



ADS 204



Overview

- Policy and procedures for Reg 216 compliance under current USAID planning/project framework
 - ➔ Reg 216 uses project procedures terms that are obsolete



Authority & Objectives

➤ 204.1 Authority

➔ FAA of 1961 §117; NEPA, 22CFR216,

➤ 204.2 Objective

➔ Environmental sustainability integral to USAID's overall goal

➔ Env. considerations shall be incorporated into results planning, achieving, and monitoring



204.3 Responsibilities

- Operational Bureaus
 - ➔ Oversee Operating Units to ensure env. review fully integrated in decision making (including **planning** and **approval** of all programs and activities)
- Operational Units
 - ➔ **Allocate** adequate **staff** and financial **resources** to Teams to implement Agency's Env. Procedures
 - ➔ **Hold SO Teams accountable** for mtg reqs and monitoring results



Responsibilities (cont'd)

- SO, Strategic Support Objective, or Special Objective Teams (SO Teams) Responsibilities
 - ➔ Ensure compliance in designing, monitoring, monitoring (for all programs, expected results, activities)
 - ➔ Ensure that env. consequences of all actions are considered and appropriate env safeguards adopted



Responsibilities (cont'd)

- SO Teams (cont'd)
 - ➔ SO Team also resp. for keeping BEO fully informed thru informal contacts and the R4 process
 - ➔ Timely completion of reviews (so as not to unnecessarily delay implementation)



Responsibilities (cont'd)

➤ MEO and REO Responsibilities

➔ Advising SO Teams on:

- ♣ how best to comply
- ♣ how SO Teams can effectively monitor implementation of mitigative measures
- ♣ how SO Teams can obtain additional environmental expertise to assist them

➔ Liaise with their relevant BEOs on Reg 216 issues affecting SO Teams in their Operating Units



Responsibilities (cont'd)

➤ BEO Responsibilities

➔ oversee effective implementation of Reg 216 thruout all Operating Units in their Bureau through

- ♣ timely decision making
- ♣ adherence to consistent and strong env principles leading to env sound dev.



Responsibilities (cont'd)

- Agency Environmental Coordinator Responsibilities
 - ➔ Oversee effective implementation of Reg 216 thruout the Agency
 - ➔ Includes monitoring its implementation, resolving disputes, advising in selection of BEOs, and liaising with CEQ and public



204.5 Policy

- 204.5.1: Mandatory Compliance with 22 CFR 216
 - ➔ USAID must fully comply with Reg 216
 - ♣ some terms in Reg are no longer used (e.g. PID, PP, etc.).
 - ♣ ADS uses current terms intended to be as parallel as possible to the original terms
 - ➔ Reg 216 is controlling in the event of conflict between the ADS language and Reg. 216
 - ➔ If there are questions, consult your BEO, the AEC, or Agency legal counsel



Policy—Operational Bureaus

- 204.5.2 Operational Bureaus
 - ➔ shall review and approve the env. section in 204.5.3 within their R4 process w/ guidance of their BEO
 - ➔ Shall provide each Operating Unit resources necessary to complete env. reviews for programs/activities in the Strategic Plan
 - ♣ Applies also to plan modifications



Policy—Operating units

➤ 204.5. Operating unit

➔ Each Operating Unit shall submit an env. Section as integral part of R4.

➔ This section consists of two parts:

- ♣ A discussion of any issues related to implementation of env. mitigation, monitoring, or other conditions incorporated in project design to achieve Reg 216 compliance & environmentally superior design
- ♣ An illustrative schedule of upcoming activities that may require Reg 216 review



Policy—operating units

- ➔ This Reg 216 activities schedule serves two purposes
 - ♣ allows BEO to better plan for workloads
 - ♣ serves as a planning doc for the operating unit. For budgeting time and \$ to ensure speedy action on meeting Reg. 216 reqs.



Policy—operating units

→ In addition to the R4 environmental section, operating units must:

- ♣ Take necessary steps to ensure that each SO Team integrates timely, effective env rev. in decision-making process for programs/activities
- ♣ Ensure sufficient money and staff allocated to the SO Teams to accomplish the work
- ♣ Take necessary steps to ensure that no irreversible commitments of resources for programs/activities by any Teams before env review findings are considered
- ♣ undertake the required environmental planning analyses for their strategic plans as outlined in chapter 201.5.10g.



Policy--SO Teams

➤ 204.5.4 Strategic Objective, Strategic Support Objective & Special Objective Teams

➔ Each Team shall:

- ♣ actively plan how it will comply with 22 CFR 216 for all interventions
- ♣ actively monitor ongoing activities for compliance with approved IEE, EA, or EIS recommendations or mitigative measures
- ♣ modify or end activities that are not in compliance



Policy--SO Teams

- SO Team may delegate implementation of above responsibilities to Results Package (RP) Teams.
 - ♣ In these cases SO Team must ensure that RP Teams have adequate time, staff, authority, and money to implement



Policy--SO Teams

- Each Operating Unit and SO Team shall develop effective essential procedures to:
 - ➔ ensure adequate time/resources available to complete all required Reg. 216 env work before funds are obligated ,
 - ♣ includes IEEs, CEs, requests for deferrals or exemptions of environmental reviews and
 - ♣ if appropriate, Scoping Statements and their related EAs or EISs)



Policy--SO Teams

- These environmental reviews must be completed at earliest possible time in planning/design process
 - ♣ Earliest possible time = once sufficient information exists
 - ♣ Necessary to allow time for more detailed subsequent environmental review and concurrence,
 - ♣ Necessary to permit integration of environmental mitigations into the design process, should this be required;



Policy—SO Teams

→ EA and Scoping processes have public notice and participations requirements.

They must:

- ♣ Provide reasonable notification to affected public
- ♣ As feasible, encourage public participation, review and comment on Scoping Statements and their related EAs or EISs.
- ♣ Public is defined for EAs to include directly affected people in host country, host country governments.
- ♣ USAID's policy to involve U.S. parties when they show an interest. For EISs, inclusion of U.S. public is a regulatory requirement.



Policy--SO Teams

→ SO Teams must also:

- ♣ forward each env doc to BEO for concurrence, allowing time for process;
- ♣ consider the content/findings of env documents in design and approval of each intervention before irreversible commitment of resources;
- ♣ incorporate env features and mitigative measures from IEEs, EAs, and EISs, as appropriate, in final design/implementation of interventions
- ♣ actively monitor/evaluate whether the designed env features are being implemented



Policy—SO Teams

- ♣ determine possible environmental consequences arising during implementation not identified/reviewed in accordance with Reg 216
- ♣ Based on the above initiate, modify or end activities as appropriate
- ♣ Provide the Operating Unit with any issues on environmental compliance and a schedule for any activities which must be reviewed under 22 CFR 216 to facilitate advance planning and provide information for the environment section of the R4.



Policy—MEO & REO

- 204.5.5 MEO and REO
 - ➔ Mission Director shall appoint an MEO
 - ➔ MEO serves as core member of each SO Team on Operating Unit
 - ➔ MEO frequently takes the lead in overseeing Reg 216 doc prep on new activities and monitoring compliance for ongoing activities



Policy—REO & all members

- In some cases a regional support mission may exist and have a REO supporting a cluster of Operating Units. In these cases the REO provides tech support and regional coordination to MEOs
- **HOWEVER, ULTIMATE RESPONSIBILITY FOR MEETING REG 216 BELONGS TO EVERY MEMBER ON THE TEAM (AND THE TEAM LEADER, in particular).**



Policy--BEO

- 204.5.6 BUREAU ENVIRONMENTAL OFFICER (BEO)
 - ➔ After consultation with the AEC, the Assistant Administrator (AA) for each operational Bureau in Washington shall appoint a qualified BEO
 - ♣ BEOs based in Washington
 - ♣ All regional Bureaus plus all operational Central Bureaus (i.e. G and BDCHA) have BEOs



Policy--BEO

→The BEO:

- ♣ reviews and provides guidance on the environmental section of the R4;
- ♣ monitors Reg 216 compliance of all Operating Units in the Bureau;
- ♣ approves all Reg 216 documents, and
- ♣ performs the other specific functions described in 22 CFR 216.

→When staffing patterns permit, each AA shall also appoint a qualified Deputy BEO who can act on official Reg 216 actions



Policy--AEC

- 204.5.7 Agency Environmental Coordinator (AEC)
 - ➔ Oversees Agency-wide implementation of Reg 216
 - ➔ Advises the Administrator, AAs, and other senior Agency management about issues that arise under Reg 216, and
 - ➔ with advice from the Office of the General Counsel, interprets how 22 CFR 216 should be applied to new or unusual situations
 - ➔ Additional responsibilities in Reg 216



Notes

- In operating unit, officer with authority to obligate funds must sign environmental documentation
- Glossary of terms/acronyms is provided

